

KRZYSZTOF FOKT
Jagiellonian University in Kraków

The Chronicle of Research and Scholarly Events in Legal and Constitutional History at the Faculty of Law and Administration of the Jagiellonian University in 2017

Keywords: scholarly research, Legal and Constitutional History, Faculty of Law and Administration, Jagiellonian University.

Słowa kluczowe: badania naukowe, historia państwa i prawa, Wydział Prawa i Administracji, Uniwersytet Jagielloński.

In the year 2017, in the Chairs of the Faculty of Law and Administration of the Jagiellonian University which are concerned with legal and constitutional history, apart from the normal didactic and scholarly activities of the staff, several research projects were being continued and several books were published. The staff and postgraduate students of the Chairs were also engaged in cooperation with other academic centers in the fields of legal-historical research and its popularization, including international conferences. There was also one anniversary event in honor of a meritorious professor at the end of the year.

Anniversary celebrations

The event mentioned above was the jubilee of 50 years of scholarly work by Prof. Wacław Uruszczak. The ceremony took place on November 17th, 2017, in the auditorium of the Collegium Maius. It was headed by the Dean of the Faculty, Prof. Jerzy Pisuliński, and attended by the Rector of the University, Prof. Dr. Hab. Wojciech Nowak, Vice-Rector of the University, Prof. Dorota Malec, and numerous guests, including visitors from other foreign and domestic universities, and relatives and devotees of the honoree. Prof. Izabela Lewandowska-Malec, who succeeded Prof. Uruszczak as the head of the Chair of Polish Legal History, delivered the keynote address. Subsequently, Dr. Maciej Mikuła presented Prof. Uruszczak with a volume prepared by his devotees, which contained

examples of Prof. Uruszczak's contributions to the fields of church and confessional law, and the problems of teaching law (*Opera historico-iuridica selecta. Prawo kanoniczne – nauka prawa – prawo wyznaniowe*, Kraków: WUJ 2017, 560 pp.). In his own speech, Prof. Uruszczak spoke about what he learned during his long scholarly career and stressed the importance of legal history and canon law as important elements in the proper education of lawyers.

Chair of Polish Legal History

On September 30th, 2017, Prof. Wacław Uruszczak retired and Prof. Izabela Lewandowska-Malec was appointed the new head of the Chair of Polish Legal History from October 1st, 2017.

Prof. Uruszczak also published his critical study on the beginnings of the Polish-Lithuanian Union, presenting a totally new approach to the much disputed questions concerning the actual meaning of the Union of Krewo (1385). In his thorough work, Prof. Uruszczak attempted to deliver a fresh insight into the problems of the Union of Krewo, presenting original and convincing interpretations of the term *Corona regni*, as well as of all the notions which served to describe the nature of the inter-realm relation founded in 1385 in the context of canonistic terminology (W. Uruszczak, *Unio regnorum sub una Corona non causat eorum unitatem. Unia Polski i Litwy w Krewie w 1385 r. Studium historyczno-prawne*, Kraków 2017, 77 pp.).

Also in 2017, Prof. Stanisław Grodziski, *emeritus* of the Chair, published his collected notes from the critical years of the contemporary history of Poland, containing his observations mostly on his own participation and that of the University in the social and political developments of those years (*Za trzecim razem: Zapiski uniwersyteckie z lat 1968, '81, 1989*, Kraków 2017, 240 pp.). Another book was published (in 2017 only as an e-book) by Dr. Maciej Mikuła. In this publication Dr. Mikuła presented the results of his studies on the *Ius municipale Magdeburgense*, the transformation of its texts, and their usage in legal practice in the late Middle Ages (M. Mikuła, *Prawo miejskie magdeburskie (Ius municipale Magdeburgense) w Polsce XIV – pocz. XVI w. Studium o ewolucji i adaptacji prawa*, Kraków: WUJ, 2017, 398 pp.).

Chair collaborators, Prof. Izabela Lewandowska-Malec and Dr. Władysław Pęksa, presented nine papers during various conferences, including the XXVIII World Congress on the Philosophy of Law and Social Philosophy (Lisbon, July 2017), and international conferences in Plzeň (May 2017), Piastany (April 2017), and Halle (March 2017). In October 2017, Prof. Wacław Uruszczak organized (supported in this respect by Dr. Krzysztof Fokt) and headed (together with Profs. Jolanta Choińska-Mika and Andrzej B. Zakrzewski from Warsaw University) two discussion panels at the 3rd Congress of Polish History (organized by the Cracow branch of the Polish Historical Society). Cracow legal historian Prof. Jerzy Malec prepared a paper for the panel concerning po-

litical unions, and Prof. Izabela Lewandowska-Malec presented one in the panel concerning parliamentarism.¹

In 2017, three guests from abroad visited the Chair: Dr. Michal Považan from Bratislava (September 2017), Dr. Laszlo Vertesy from Budapest (November 2017), and Professor Philippe Nelidoff from Toulouse (December 2017).

The Chair also supported student activities, especially the international conference titled: "*Sitque ibi scienciarum preualencium margarita... – prawo a edukacja na przestrzeni wieków*" (Kraków, 3rd–4th March 2017).

Chair of History of Administration and Administrative Thought

In 2017, the staff of the Chair of History of Administration and Administrative Thought occupied itself with the presentation of the results of their research through publications and participation in conferences, both foreign and domestic.

Two collaborators of the Chair of History of Administration and Administrative Thought published their monographs concerning some issues of Polish legal history in the 20th century. The first one is the book by Dr. Marek Stus on matrimonial property contracts in the context of notarial practice in the city of Cracow in the years 1918–1946 (*Mażeńskie umowy majątkowe w świetle krakowskiej praktyki notarialnej 1918–1946*, Kraków: Księgarnia Akademicka 2017, 238 pp.). It contains results of the author's archival query, analyzed in the context of five divergent systems of matrimonial property law that functioned in Poland at the very dawn of its independence. Another book, concerning the history of an institution especially interesting from the viewpoint of the study of administrative judicature, was published by Dr. Michał Nowakowski (*Okręgowe sądy ubezpieczeń społecznych*, Kraków: Księgarnia Akademicka 2017, 346 pp.). Its main topic is the district social courts in Poland, which were projected in the interwar period, but did not ultimately constitute a part of the Polish legal system until after World War II, in the 1940s through the 1970s.

Apart from the printed publications, the staff of the Chair also took part in several conferences. Among these were two international events: in Plzeň (25th–26th May 2017), where Dr. Hab. Paweł Cichoń spoke about the protection of order and public security in the Free City of Cracow in the years 1815–1846, and in Tours (Journées internationales de la Société d'Histoire du droit, 1st–4th June, 2017), where Dr. Marek Stus presented a paper on the evolution of penal responsibility in Poland in the 20th century. Apart from that, Dr. Hab. Paweł Cichoń and Dr. Michał Nowakowski presented the results of their research at the 7th International Symposium of the History of Bureaucracy (Kielce, 18th–19th September, 2017), and Dr. Marek Stus presented his papers during the scholarly conference concerning the history of banking (about the stocks and securities of inter-war Polish banks) in Lublin on April 24th, 2017 and also at the annual conference on

¹ Further details: see the report published in this issue of the "Cracow Studies...".

aviation law (about some legal aspects of cancellation of plane tickets) in Rzeszów on April 24th–25th, 2017.

Chair of General Legal History

In 2017, the staff of the Chair and nine postgraduate students writing their theses under the supervision of Profs. Andrzej Dziadzio and Andrzej Bryk continued research on subjects which had previously already been under investigation. Prof. Dziadzio was still working on the Galician Governorship in the years 1867–1914, and Dr. Hab. Marcin Kwiecień continued his work (together with Prof. Stanisław Grodziski and Dr. Krzysztof Fokt) on volumes V/1, V/2 and VI of the *Volumina Constitutionum* (the preparation of volumes V/2 and VI was supported by the Ministry of Research and Higher Education through the NPRH programme: National Programme for the Development of Humanities). Dr. Jan Halberda was working on questions of private law in the lands of Common Law (with special focus on the institution of the promissory estoppel), while Dr. Piotr Michalik was working on the evolution of British constitutional law in the period of colonial expansion. Beyond these, some new aspects were brought to light, *i.a.* in the research of Dr. Hab. Marian Małecki on the relation of the constitutional models and legal institutions of the Habsburg and Hohenzollern Empires to the institutions of the 2nd Polish Republic (some of those were published in: M. Małecki, *Pszczyna i ziemia pszczyńska w czasie wojny światowej. Rzeczywistość wojny – prawo – obyczaje*, Pszczyńskie Epizody Historyczne, vol. 10, Pszczyna 2017, 180 pp.).

For the sake of their research, the collaborators of the Chair conducted several queries in archives and libraries (Dr. Hab. Marian Małecki in the state archives in Lwów/L'viv, Kraków, Katowice, Przemyśl, and Bielsko-Biała; and Dr. Jan Halberda in Columbia Law School, NY, St. Mary University School of Law, San Antonio, Texas, and in the Freie Universität in Berlin). Seven papers by the staff of the Chair (Profs. Andrzej Dziadzio and Andrzej Bryk, Dr. Hab. Marcin Kwiecień, and Dr. Piotr Michalik) were presented during various, mostly international scholarly meetings, including the Association of Young Legal Historians (AYLH) conference titled “History of Law and Other Humanities: Views of the Legal Culture across the Time” in Naples (Dr. Piotr Michalik, May/June 2017), the anniversary conference “Normsetzung im Notstand. Außerordentliche Gesetzgebungsbefugnisse im 19. und 20. Jahrhundert. Internationale Tagung anlässlich 100 Jahre KWiEG” in Vienna (Dr. Hab. Marcin Kwiecień, October 2017), and the Strasbourg meeting devoted to the history of the protection of human rights in the Austro-Hungarian Monarchy: “L’Autriche-Hongrie des années 1866–1918: une contribution exceptionnelle à la protection des droits de l’Homme Strasbourg” (Prof. Andrzej Dziadzio, November 2017). Also, postgraduate students collaborating with the Chair represented it at various conferences, *i.a.* Mgr. Krzysztof Bokwa at the above-mentioned AYLH conference in Naples.

Chair of the History of Political and Legal Doctrines

In November 2017 Dr. Iwona Barwicka-Tylek, thanks to the positive evaluation of her achievements (the principal of which was the book published in the previous year: *Prawda i sens. Dialektyka – marksizm – komunizm*, Kraków 2016) by the respective Commission, was promoted to the rank of habilitated doctor. In addition the Chair engaged one new staff member: Dr. Anna Ceglarska, who joined the unit after successfully defending her doctoral thesis titled *Grecja przedsokratejska od Homera do Herodota. W kierunku pluralizmu społecznego i idei systemu mieszanego* (29th September, 2017).

In April–June, 2017, Dr. Agnieszka Czarnecka was a guest researcher in the Department of Political Science of the National Cheng Kung University in Tainan (Taiwan), in the seminar of Prof. Man To Leung, where she also presented a guest lecture titled *Political Thought in Practice: Alexis de Tocqueville's Lesson to Contemporary Poland* (31st May, 2017). Dr. Czarnecka also continued her research on political imagination, especially in the context of the thought of Henry David Thoreau.

Also in 2017, Dr. Iwona Barwicka-Tylek published her book titled *Obywatel – nie idiota. Myślenie polityczne dla początkujących* (Kraków: Wydawnictwo JAK 2017, 256 pp.), which is an attempt to present some crucial issues of classic, ancient political thought to the contemporary audience, and launched an NCN-supported project on the republican thought of the First Polish Republic in the context of contemporary rebirth of republicanism.

The collaborators and postgraduate students of the Chair also attended various conferences, including *i.a.* the XVI convention of Polish Chairs of Political and Legal Doctrines in Warsaw where Dr. Agnieszka Czarnecka, Mgr. Anna Ceglarska, Mgr. Piotr Eckhardt, and Mgr. Kamil Pindel all gave presentations on the results of their research.

The Chair also collaborated actively with the Student Learned Society of Political and Legal Doctrines, which, *i.a.*, published two books: *Doktryny w Popkulturze*, A. Czarnecka, P. Eckhardt, and M. Guzy, eds. (Kraków: Wydawnictwo Kasper 2017, 173 pp.) and *Utopie – antyutopie – dystopie*, I. Barwicka-Tylek, P. Eckhardt, and M. Guzy eds. (Kraków: Wydawnictwo Kasper 2017, 128 pp.).

Chair of Roman Law

In 2017, the staff of the Chair of Roman Law published four books and numerous articles, while also being engaged in several other undertakings, especially concerning international cooperation, and issues relating to the importance of Roman law for contemporary legal studies. In both those efforts fruitful cooperation with the Chinese Academy of Social Sciences, CASS, was especially important.

In the year 2017, Professor Franciszek Longchamps De Brier published his book containing 50 sketches on Roman law and European legal tradition, and their importance for contemporary culture and legal practice (*Powtórka z Rzymu*, Kraków–Bielsko-Biała:

Od.Nowa 2017, 216 pp.). Dr. Grzegorz J. Blicharz published his comparative study titled *Commons – dobra wspólnie użytkowane. Prawnoporównawcze aspekty korzystania z zasobów wodnych*, (Bielsko-Biała: Od.Nowa 2017, 196 pp.). Also, two further volumes of the re-edition and translation into Polish of *Digesta Iustiniani* were published, containing books 37–44 of *Digesta* (*Digesta Iustiniani. Digesta justyniańskie: Tekst i przekład*, vol. VII.1: *Księgi 45–47*; vol VII.2: *Księgi 48–50*, Kraków 2017, 379 and 449 pp. respectively). Nine scholars were engaged in the editing of those volumes, including Dr. Hab. Tomasz Palmirski as chief editor, and Dr. Hab. Jarosław Reszczyński, a former staff member of the Chair. The project was supported by the Ministry of Research and Higher Education through the NPRH programme (National Programme for the Development of Humanities).

Staff and postgraduate students of the Chair (Prof. Franciszek Longchamps De Brier, Dr. Paulina Świącicka, Dr. Grzegorz J. Blicharz, and Mgr. Kamil Stolarski) presented their papers at several conferences, *i.a.* at the 71st World Congress of Société Internationale Fernand de Visscher pour l'Histoire des Droits de l'Antiquité (SIHDA; Bologna, September 2017), 3rd Sino-Polish Seminar on Comparative Law (Beijing, November 2017), Rule of Law Forum (Beijing, November 2017), XVI World IASC Congress (Utrecht, July 2017), and the international forum of comparative law studies "Iura Privata in Comparatione" (Frankfurt/Oder, June 2017). Several of the Chair's staff members also took part in the international conference in Sucha Beskidzka, where they celebrated Prof. Janusz Sondel's 80th birthday.

Several guests from other academic centers also visited the Chair in 2017. In November, Professor Joseph H.H. Weiler from the New York University School of Law presented a lecture about the trial of Jesus in the light of Jewish law (his lecture was preceded by a presentation of Dr. Paulina Świącicka, concerning the trial of Jesus in the light of Roman law). In April, 2017, the Chair also organized a guest lecture by Prof. Gianni Santucci from the University of Trento, and in December, 2017, by Dr. Jan Rudnicki from Warsaw University.

It should be mentioned, that in 2017 Dr. Grzegorz J. Blicharz was granted the START scholarship of the Polish Science Foundation, and his doctoral thesis won the prestigious prize of the "Państwo i Prawo" journal.

Laboratory of Source Editions

In 2017, the Laboratory of Source Editions was engaged in the publication of three books: two source editions and one monograph. The first of these was volume IV/2 of *Volumina Constitutionum* (S. Grodziski, M. Kwiecień, K. Fokt, eds., Warszawa: Wydawnictwo Sejmowe 2017, 444 pp.) and the second, the first part of the critical edition of the oldest book of records of the town Görlitz, prepared in cooperation with the Martin Luther University in Halle (*Liber Vetustissimus Gorlicensis. Das älteste Görlitzer Stadtbuch/ Najstarsza księga miejska zgorzelecka 1305–1416 (1423), Teil/Część I (1305–1343)*, K. Fokt, C. Speer, M. Mikuła, eds., Kraków: TN "Societas Vistulana" 2017, 489 pp.). The monograph was a book by Dr. Krzysztof Fokt, concerning the issues of governance

of a remote province in the Middle Ages (K. Fokt, *Governance of a Distant Province in the Middle Ages: Case Study on Upper Lusatia*, Warsaw/Berlin: DeGruyter Open 2017, 296 pp.). The activities of the Laboratory were aided by the Polish Ministry of Research and Higher Education through the NPRH programme (National Programme for the Development of Humanities), which financed both the edition of the court book of Görlitz and K. Fokt's monograph.

In 2017, Cracow legal historians also paid their final respects to one of the most meritorious professors of the Faculty, Janusz Sondel, who died on September 12th, 2017.² Numerous representatives of all the Chairs of the Faculty concerned with legal and constitutional history, as well as researchers of Roman law from other academic centers of Poland, took part in the funeral, and Prof. Sondel's friends and devotees prepared a volume of studies dedicated to his memory (*Semper fidelis: prace dedykowane pamięci Profesora Janusza Sondla legendzie krakowskiego fakultetu prawniczego*, red. D. Malec, Ł. Marzec, T. Palmirski, Kraków 2017).

This chronicle was prepared by Krzysztof Fokt; much of the information was obtained through the kind collaboration of Dr. Hab. Iwona Barwicka-Tylek, Dr. Piotr Michalik, Dr. Władysław Pęksa, and Dr. Marek Stus.

² Cf. Ł. Marzec, *Profesorowi Januszowi Sondlowi (1937–2017) in memoriam*, „Krakowskie Studia z Historii Państwa i Prawa” 2017, Vol. 10, ss. 3, pp. 559–565.